

ENFORCEMENT DECREE OF THE SPECIAL ACT ON MANAGEMENT OF DISASTERS IN SUPER HIGH-RISE BUILDINGS AND COMPLEX BUILDINGS WITH UNDERGROUND CONNECTIONS

Presidential Decree No. 23653, Mar. 9, 2012
Amended by Presidential Decree No. 24417, Mar. 23, 2013
Presidential Decree No. 25753, Nov. 19, 2014
Presidential Decree No. 25836, Dec. 9, 2014
Presidential Decree No. 25840, Dec. 9, 2014
Presidential Decree No. 26198, Apr. 14, 2015

Article 1 (Purpose)

The purpose of this Decree is to prescribe matters delegated by the Special Act on Management of Disasters in Super High-Rise Buildings and Complex Buildings with Underground Connections and those necessary for the implementation thereof.

Article 2 (Purpose of Complex Building with Underground Connections)

“Facilities for the purposes prescribed by Presidential Decree” in the subparagraph 2 (b) of Article 2 of the Special Act on Management of Disasters in Super High-Rise Buildings and Complex Buildings with Underground Connections (hereinafter referred to as “the Act”) means general hospitals and intermediate care hospitals, among those facilities under the subparagraph 9 (a) of attached Table 1 of the Enforcement Decree of the Building Act.

Article 3 (Related Area)

(1) “An area prescribed by Presidential Decree” in subparagraph 3 of Article 2 of the Act means either of the following areas:

1. A site (referring to sites defined in Article 2 (1) 1 of the Building Act; hereinafter the same shall apply) on which a building or facility defined in Article 3 of the Act (hereinafter referred to as a “super high-rise building, etc.”) is located;
2. An area which is composed of those sites adjacent to the site on which a super high-rise buildings, etc. is located, and which is designated and publicly notified by the head of a Si/Gun/Gu disaster and safety countermeasure headquarters (hereinafter referred to as “the head of a Si/Gun/Gu headquarters”) under Article 16 of the Framework Act on the Management of Disasters and Safety, based on his/her judgment that they require comprehensive disaster management: Provided, That where the relevant area

extends over at least two districts under the jurisdiction of different local governments, it shall be designated and publicly notified by a City/Do disaster and safety countermeasure headquarters under the same Article (hereinafter referred to as "the heads of a City/Do headquarters") in cases of a Si/Gun/Gu, and by the head of the Central Disaster and Safety Countermeasure Headquarters under Article 14 of the same Act (hereafter referred to as "the head of the Central Headquarters" in this Article) in cases of the Special Metropolitan City, a Metropolitan City, a Do, and the Special Self-Governing Province (hereinafter referred to as a City/Do), respectively.

(2) Where designating and publicly notifying the related area in accordance with paragraph (1) 2, the head of a Si/Gun/Gu headquarters shall report the content of the designation and public notification to the head of the relevant City/Do headquarters, and the heads of a City/Do headquarters shall report it to the head of the Central Headquarters.

Article 4 (Kinds and Scope of Harmful and Hazardous Substances)

The kinds and scope of hazardous and dangerous substances provided for in subparagraph 8 of Article 2 of the Act shall be as follows: *<Amended by Presidential Decree No. 25836, Dec. 9, 2014>*

1. Harmful substances, substances requiring permission, restricted substances, prohibited substances, and substances requiring preparation for accidents under subparagraphs 2 through 6 of Article 2 of the Chemicals Control Act;
2. Hazardous substances of not less than the designated quantities by hazardous substance under attached Table 1 of the Enforcement Decree of the Act on the Safety Control of Hazardous Substances;
3. Combustible gases and toxic gases subject to the High-Pressure Gas Safety Control Act;
4. Substances requiring permission for manufacture, etc. under Article 38 of the Occupational Safety and Health Act;
5. Combustible solids, sorts of coal and charcoal, and combustible liquids of not less than the quantities by item name, among special combustible materials under attached Table 2 of the Enforcement Decree of the Framework Act on the Fire Services.

Article 5 (Prior Consultation on Disaster Impact Review)

(1) The cases where the Special Metropolitan City Mayor, Metropolitan City Mayor, Do governor, or Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor"), or where the head of a Si/Gun/Gu is required to request the head of a City/Do headquarters for prior consultation on the review of disaster impact (hereinafter referred to as "prior consultation on disaster impact review") in accordance with Article 6 (1) and (4) of the Act shall be as follows:

1. Cases of receiving an application for permission, approval, authorization, consultation, planning, etc. regarding the construction of a super high-rise building, etc.;
2. Cases of receiving an application for prior decision on construction of a super high-rise building, etc. in accordance with Article 10 (1) of the Building Act;
3. Cases of receiving an application for permission to change of the purpose in accordance with Article 19 (2) of the Act, which fall under any of the following items:

(a) Where a building or facility becomes a super high-rise building, etc. as a result of any change of its purpose or an increase in its accommodation capacity caused by any change of its purpose, in accordance with Article 6 (4) of the Act;

(b) Where the residential density (referring to the residential density calculated according to attached Table 1; hereinafter the same shall apply) of a super high-rise building, etc. increases as a result of change of its purpose to a facility for culture and assembly under subparagraph 5 of attached Table 1 of the Enforcement Decree of the Building Act;

4. Other cases where the head of a City/Do headquarters makes a public notification, recognizing that prior consultation on disaster impact review is necessary.

(2) The Mayor/Do Governor or the head of a Si/Gun/Gu in receipt of an application in accordance with paragraph (1) shall, before granting permission, etc., request the head of the relevant City/Do headquarters for prior consultation on disaster impact review, attaching the following documents:

1. Plans and related documents under the provisions of Article 7 (1) 1 through 9 of the Act;

2. Construction plan, and general drawings and specifications specifying the purpose, size and shape of a building, under Article 11 (2) of the Building Act;

3. Other materials the submission of which the head of the relevant City/Do headquarters requires, deeming that they are necessary for prior consultation on disaster impact review.

(3) Within 30 days from the date of receiving a request for prior consultation on disaster impact review, the head of a City/Do headquarters shall inform the Mayor/Do Governor or the head of the relevant Si/Gun/Gu of his/her review opinion including the matters to be modified or supplemented by the management entity of a super high-rise building, etc.: Provided, That where it is impossible to inform the review opinion within 30 days due to a natural disaster or any other unavoidable reason, the head of a City/Do headquarters may extend the period up to ten days.

Article 6 (Experts in Management of Disasters Who Attend the Building Committee)

“Experts in the management of disasters specified by Presidential Decree” in the latter part of Article 6 (2) of the Act means persons qualified for a member of the committee for prior review of disaster impacts in accordance with Article 7 (3).

Article 7 (Composition of Committee for Prior Review of Disaster Impacts)

(1) The committee for prior review of disaster impacts under Article 6 (5) of the Act (hereinafter referred to as “committee”) shall be comprised of between 20 and 40 members, including one chairperson and one vice chairperson.

(2) The chairperson of the committee (hereinafter referred to as “chairperson”) shall be appointed by the head of a City/Do headquarters from among the chiefs of offices, bureaus or headquarters who belong to the relevant City/Do and engage in the affairs of disaster management, and the vice chairperson shall be nominated by the chairperson from among the members of the committee (hereinafter referred to as “member”).

(3) A member shall be commissioned or appointed by the head of a City/Do headquarters from among the persons falling under any of the following subparagraphs. In such cases, the number of members falling under subparagraph 4 shall not exceed 1/4 of the total number of the members:

1. Persons who have much knowledge and experience in the construction and maintenance, safety management, disaster prevention, anti-terrorism, etc. of super high-rise buildings, etc.;
2. Persons who obtained either a national technical qualification in the field of construction, machinery, electricity, electronics, information and communications, safety management, environment, or energy in accordance with the National Technical Qualifications Act or at least a doctoral degree in the above-mentioned field;
3. Certified architects under the Certified Architects Act;
4. Public officials engaging in affairs related to disaster management, fire-fighting, or anti-terrorism.

(4) The term of office of commissioned members shall be two years and may be consecutively renewed once.

(5) The committee shall have two secretaries to deal with the affairs of the committee, and secretaries shall be nominated by the head of a City/Do headquarters from among public officials belonging to the relevant City/Do.

Article 8 (Operation of Committee)

(1) The chairperson shall represent the committee and have overall control over its affairs.

(2) The chairperson shall convene and preside over meetings of the committee.

(3) A majority of the members of the committee shall constitute a quorum, and any decision thereof shall require the concurring vote of a majority of those present.

(4) Allowances and travel expenses may be paid to members who attended the meeting of the committee, within budgetary limits: Provided, That this shall not apply where public officials attended a meeting in direct relation to the affairs under his/her charge.

(5) In addition to matters provided for in paragraphs (1) through (4), matters necessary for operation of the committee shall be determined by the chairperson by a resolution of the committee.

Article 9 (Exclusion, etc. of Member)

(1) Where a member falls under any of the following subparagraphs, he/she shall be excluded from a meeting of the committee where an item on the agenda involves prior consultation on disaster impact review with respect to the relevant super high-rise item under building, etc.:

1. Where the member or the institution or organization to which the member belongs either conducted any service, consultation, or research activities regarding any item on the agenda of the relevant committee or participated in such activities in any other manner;
2. Where the member or his/her spouse or relative is in the management entity or designer of the relevant super high-rise building, etc. put on the agenda of the relevant committee;
3. Where the member is deemed to have a direct interest in the relevant super high-rise building, etc.

(2) Where a member falls under any of the subparagraphs of paragraph (1), he/she may voluntarily refrain from attending a meeting of the relevant committee.

Article 10 (Revocation of Commission of Member)

Where a member falls under any of the following subparagraphs, the head of the relevant City/Do headquarters may revoke his/her commission:

1. Where, with respect to prior consultation on disaster impact review, the member commits any misconduct such as the giving or accepting of money or goods and the exercising of his/her authority in return for any improper solicitation for favors;
2. Where the member compromises the fairness of prior consultation on disaster impact review by failing to refrain from the attendance, even though he/she falls under any of the subparagraphs of Article 9 (1).

Article 11 (Content of Prior Consultation on Disaster Impact Review)

“Matters specified by Presidential Decree” in Article 7 (1) 9 of the Act means the matters falling under each of the following subparagraphs:

1. Plan for preparedness against and response to a tidal wave (including tsunami) (limited to cases where a super high-rise building, etc. is constructed within one km from the coast);
2. Plan for the counterterrorism design of a building (including counterterrorism facilities and equipment such as CCTV);
3. Site slope and surrounding situations of a related area;
4. Current status concerning the burial of electricity facilities, telecommunications facilities, gas facilities, water supply and drainage, etc. in a related area.

Article 12 (Establishment, Implementation, etc. of Plans for Disaster Prevention and Damage Mitigation)

(1) The management entity of a super high-rise building, etc. shall, in accordance with Article 9 (1) of the Act, establish and implement a plan for preventing disasters impacting on, and mitigating damage to, the super high-rise building, etc. (hereinafter referred to as a “plan for disaster prevention and damage mitigation”) every year.

(2) “Necessary matters specified by Presidential Decree” in Article 9 (2) 9 of the Act means the following matters:

1. Residential density and resident population by floor and by purpose of a super high-rise buildings, etc.;
2. Plan for organization and operation of the council for the management of disaster and safety under Article 11 of the Act;
3. Plan for establishment and operation of the integrated disaster prevention office under Article 16 of the Act;
4. Plan for establishment and operation of the comprehensive disaster management system under Article 17 of the Act;

5. Publicity plan for disaster prevention and safe evacuation at the time a disaster occurs.

(3) The Minister of Public Safety and Security may, if deemed necessary, prepare and distribute the guidelines necessary for establishing and implementing the plan for disaster prevention and damage mitigation. <Amended by Presidential Decree No. 25753, Nov. 19, 2014>

Article 13 (Submission, etc. of Plans for Disaster Prevention and Damage Mitigation)

(1) The management entity of a super high-rise building, etc. shall, with respect to the super high-rise building etc., submit a plan for disaster prevention and damage mitigation to the head of the relevant Si/Gun/Gu headquarters within 30 days from the date of receiving permission for purpose change under Article 19 (2) of the Building Act, approval for use under Article 22 of the same Act, or inspection for use under Article 29 of the Housing Act.

(2) The head of a Si/Gun/Gu headquarters shall, within three days from the date of receiving a plan for disaster prevention and damage mitigation in accordance with paragraph (1), send such plan to the head of the fire station having jurisdiction over the location of the relevant super high-rise building, etc.

(3) The head of the fire station shall, within 15 days from the date of receiving a plan for disaster prevention and damage mitigation in accordance with paragraph (2), send his/her review opinion on such plan for disaster prevention and damage mitigation to the head of the Si/Gun/Gu headquarters.

(4) Where it is deemed necessary to modify or supplement a plan for disaster prevention and damage mitigation in accordance with paragraph (1), the head of a Si/Gun/Gu headquarters shall notify the relevant management entity of the content to be modified or supplemented, and the management entity shall, within ten days from the date of receiving the notification, modify or supplement the plan and send it to the head of the Si/Gun/Gu headquarters. In such cases, paragraphs (2) and (3) shall apply to the sending, etc. of the modified or supplemented plan for disaster prevention and damage mitigation.

Article 14 (Standards for Installation of Refuge Area and Other Related Matters)

(1) The management entity of a super high-rise building, etc. shall install refuge areas as classified in the following subparagraphs in accordance with Article 18 (1) of the Act:

1. Super high-rise building: It is required to install a refuge area under Article 34 (3) of the Enforcement Decree of the Building Act;

2. Complex building with underground connections which has not less than 16 but no more than 29 floors: For a ground floor the residential density of which exceeds 1.5 persons per square meter, it is required to install a refuge area with a surface area equivalent to 1/10 of the aggregate of the spaces by type of use of the relevant floor;

3. Where an underground floor of a super high-rise building, etc. is used for the purpose specified in the subparagraph 2 (b) of Article 2 of the Act: It is required to install a refuge area in the relevant underground floor in conformity with the calculation standards for the space of a refuge area or install a sunken area (referring to a space which is open to the outside atmosphere and is provided for pedestrian walking, rest, evacuation, etc. of the users of a building; hereinafter the same shall apply).

(2) A refuge area to be installed in accordance with paragraph (1) shall be installed in conformity with the size and establishment standards of a refuge area under Article 34 (5) of the Enforcement Decree of the Building Act, and shall be equipped with all of the following fire-fighting facilities (referring to fire-fighting facilities under attached Table 1 of the Enforcement Decree of the Installation, Maintenance, and Safety Control of Fire-Fighting Systems Act). In such cases, the fire-fighting facilities shall comply with the fire safety standards under Article 9 (1) of the Installation, Maintenance, and Safety Control of Fire-Fighting Systems Act:

1. Fire-fighting apparatus (only limited to fire-extinguishers and simplified fire-fighting apparatus), indoor fire hydrant systems and sprinkler systems, among fire-fighting equipment;
2. Automatic fire detection systems, among alarm equipment;
3. Heat-proof clothes, air respirators (including supplementary mask), artificial revival apparatus, evacuation guiding lines (including direct stairs and special-purpose escape stairs leading to a refuge area), guiding lights, guiding marks, emergency lights and portable emergency lights for guiding evacuation to a refuge area, among evacuation equipment;
4. Smoke control systems and auxiliary radio communication systems, among fire-fighting equipment.

(3) A sunken area shall be installed in conformity with the following standards: <Amended by Presidential Decree No. 26198, Apr. 14, 2015>

1. To install a sunken area exceeding a size calculated by adding up spaces for respective purposes (referring to the purposes under attached Table 1 of the Enforcement Decree of the Building Act) categorized as follows:
 - (a) In cases of a performance hall, an assembly hall, and an auditorium, among facilities for cultural events and assemblies, not less than seven percent of the relevant space;
 - (b) In cases of a retail market, among sales facilities, not less than seven percent of the relevant space;
 - (c) In cases of the part used for other purposes, not less than three percent of the relevant space;
2. To install a sunken area in conformity with the following standards:
 - (a) To install either a direct stairway with a width of not less than 1.8 meters leading to the ground or an evacuation floor (referring to both a floor having an entrance leading to the ground and a refuge area referred to in paragraph (1)) or to install a slope way with a width of not less than 1.8 meters and a gradient of not more than 12.5 percent;
 - (b) To have a sunken area linked to a living room by not less than 0.6 meter per 100 square meters of the floor area of the living room (referring a room which is used for residence, office work, other work, entertainment, and any other similar purpose; hereinafter the same shall apply) and to have an entrance connecting the sunken area and the living room, the width of which is at least equal to a figure calculated by the ratio of 0.3 meter to 100 square meters of the floor area of the living room;
3. To install equipment conforming to the following standards:

(a) To install a water shield, a collecting well, and a backflow-preventer in order to prevent inundation by rainwater;

(b) To install a smoke control system (referring to one operated separately from a drencher system or air conditioning equipment) at the part where a sunken area and a living room are linked with each other: Provided, That a smoke control system need not be installed where the air conditioning equipment installed at the part at which a sunken area and a living room are linked with each other is installed in conformity with the fire safety standards under Article 9 (1) of the Installation, Maintenance, and Safety Control of Fire-Fighting Systems Act and is automatically converted to function as a smoke control system in case of fire.

(4) The management entity of a super high-rise building, etc. shall, in addition to the equipment, etc. prescribed in paragraphs (1) through (3), be equipped with the equipment, etc. prescribed by Ordinance of the Prime Minister for preventing and responding to disasters and providing support in such event.

<Amended by Presidential Decree No. 24417, Mar. 23, 2013; Presidential Decree No. 25753, Nov. 19, 2014>

Article 15 (Delegation of Authority)

The heads of a City/Do headquarters shall, in accordance with Article 28 (1) of the Act, delegate the heads of a Si/Gun/Gu headquarters with affairs concerning the integrated safety inspection under Article 13 (1) of the Act.

Article 15-2 (Re-Examination of Regulation)

The Minister of Public Safety and Security shall examine the appropriateness of the following matters every two years, counting from each of the following base dates (referring to the period that ends on the day before the base date of every second year) and shall take measures, such as making improvements:

1. Kinds and cope of harmful and hazardous substances provided for in Article 4: January 1, 2015;
2. Standards, etc. for establishing refuge areas under Article 14 and attached Table 2: January 1, 2015.

Article 16 (Imposition Standards for Administrative Fines)

Standards for imposition of administrative fines under Articles 33 and 34 of the Act shall be as specified in attached Table 3.

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on March 9, 2012.

Article 2 (Transitional Measure concerning References to Other Statutes)

Until March 17, 2012, “Article 34 (5) of the Enforcement Decree of the Building Act” referred to in the former part other than the subparagraphs of Article 14 (2) shall be construed as “Article 34 (4) of the Enforcement Decree of the Building Act”.

ADDENDA *<Presidential Decree No. 24417, Mar. 23, 2013>*

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. *<Proviso Omitted.>*

Articles 2 and 3 Omitted.

ADDENDA *<Presidential Decree No. 25753, Nov. 19, 2014>*

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation: Provided, That among the Presidential Decrees amended in accordance with Article 7 of the Addenda, the amended part of a Presidential Decree which was promulgated before the enforcement of this Decree, but the date on which it enters into force has not yet arrived, shall enter into force on the enforcement date of the relevant Presidential Decrees, respectively.

Articles 2 through 7 Omitted.

ADDENDA *<Presidential Decree No. 25836, Dec. 9, 2014>*

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2015.

Articles 2 through 6 Omitted.

ADDENDA *<Presidential Decree No. 25840, Dec. 9, 2014>*

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2015.

Articles 2 through 16 Omitted.

ADDENDUM *<Presidential Decree No. 26198, Apr. 14, 2015>*

This Decree shall enter into force on the date of its promulgation.